

FILED

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CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA1 JOSEPH P. RUSSONIELLO (CASBN 44332)  
United States Attorney2 BRIAN J. STRETCH (CASBN 163973)  
Chief, Criminal Division3 W. DOUGLAS SPRAGUE (CASBN 202121)  
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7  
8 Attorneys for the United States9  
10 UNITED STATES DISTRICT COURT

## 11 NORTHERN DISTRICT OF CALIFORNIA

## 12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 MARIO ORTIZ,

17 Defendant.

18 ) CRIMINAL NO. 08-70006 WDB

NOTICE OF PROCEEDINGS ON  
OUT-OF-DISTRICT CRIMINAL  
CHARGES PURSUANT TO RULES  
5(c)(2) AND (3) OF THE FEDERAL RULES  
OF CRIMINAL PROCEDURE19 Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal  
20 Procedure that on or about January 4, 2008, the above-named defendant was arrested and is in  
21 custody based upon an arrest warrant (copy attached) issued upon an Indictment pending in the  
22 Eastern District of Washington (copy attached), in Case Number 07-174-WFN.23 In that Indictment, the defendant is charged with two counts. **Count One** charges the  
24 defendant with violations of Title 21, United States Code, Section 841(a)(1), and Title 18, United  
25 States Code, Section 2, and alleges that defendant and two co-defendants knowingly and  
26 intentionally manufactured at least 1000 marijuana plants. **Count Two** charges the defendant  
27 with violating Title 21, United States Code, Section 846, and alleges that defendant conspired  
28 with two co-defendants to manufacture at least 1000 marijuana plants.

The maximum penalties for each count are as follows: life imprisonment (and a mandatory minimum term of 10 years imprisonment); a life term of supervised release (and a mandatory minimum term of 5 years of supervised release); a \$4,000,000 fine; and a special assessment of \$100.

1

DATED: January 7, 200

Respectfully Submitted,

JOSEPH P. RUSSONIELLO  
UNITED STATES ATTORNEY

W. DOUGLAS SPRAGUE  
Assistant U.S. Attorney

**RETURN TO CLERK USDC**

P.O. BOX 1493  
SPOKANE, WA 99210

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

**UNITED STATES OF AMERICA****WARRANT FOR ARREST****Plaintiff(s)**

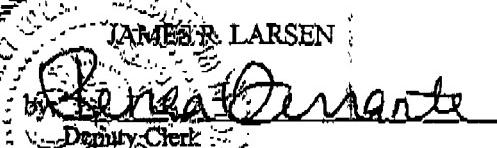
v.

**Case Number: CR-07-174-WFN-2****MARIO ORTIZ****Defendant(s)****To: The United States Marshal and any Authorized U.S. Officer****YOU ARE HEREBY COMMANDED to arrest MARIO ORTIZ**

and bring him or her forthwith to the nearest Magistrate Judge to answer a(n) indictment  
charging him or her with violation of:

**21 USC 841(a)(1) MANUFACTURE 1000 OR MORE MARIJUANA PLANTS****21 USC 846 CONSPIRACY TO MANUFACTURE 1000 OR MORE MARIJUANA PLANTS**

JAMES R. LARSEN

  
 by James R. Larsen  
 Deputy Clerk
**CLERK, U.S. DISTRICT COURT**

December 4, 2007

at Spokane, WA

**BAIL FIXED AT****AUSA seeks Detention****BY HONORABLE MAGISTRATE JUDGE CYNTHIA IMBROGNO****RETURN ON WARRANT**

<b>RETURN ON WARRANT</b>		
This warrant was received and executed with the arrest of the above-named defendant		
Date Received	Name and Title of Arresting Officer	Signature of Arresting Officer
Date of Arrest		

1 James A. McDevitt  
2 United States Attorney  
3 Eastern District of Washington  
4 Aine Ahmed  
5 Assistant United States Attorney  
6 Post Office Box 1494  
7 Spokane, WA 99210-1494  
8 Telephone: (509) 353-2767

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DEC 04 2007  
JAMES R. LARSEN, CLERK  
SPOKANE, WASHINGTON DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CRUZ MARTINEZ-BALTIER,  
MARIO ORTIZ, and  
VICTOR HERNANDEZ,

Defendants.

**CR-07-174-WFN**

**INDICTMENT**

Violation: 21 U.S.C. § 841(a)(1)  
Manufacture 1000 or  
More Marijuana Plants  
(Count 1)

21 U.S.C. § 846  
Conspiracy to  
Manufacture 1000 or  
More Marijuana Plants  
(Count 2)

The Grand Jury Charges:

**COUNT 1**

That on or about August 14, 2007, in the Eastern District of Washington,  
CRUZ MARTINEZ-BALTIER, MARIO ORTIZ, and VICTOR HERNANDEZ,  
did knowingly and intentionally manufacture 1000 or more marijuana plants, a  
Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1),  
(b)(1)(A)(vii), and 18 U.S.C. § 2.

**INDICTMENT - 1**

P71120DD.AAD.wpd

1

COUNT 2

2

That beginning on a date unknown, but by on or about May 8, 2007, until  
3 on or about August 14, 2007, in the Eastern District of Washington, CRUZ  
4 MARTINEZ-BALTIER, MARIO ORTIZ, and VICTOR HERNANDEZ, did  
5 knowingly and intentionally combine, conspire, confederate and agree together  
6 and with each other and with other known persons, to commit the following  
7 offense against the United States, to wit: manufacture 1000 or more marijuana  
8 plants, a Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1); all  
9 in violation of 21 U.S.C. § 846.

10

11

DATED this 4<sup>th</sup> day of December, 2007.

12

A TRUE BILL

13

14

  
Foreperson

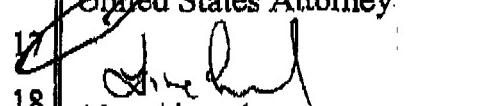
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James A. McDevitt  
United States Attorney

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Aine Ahmed  
Assistant United States Attorney

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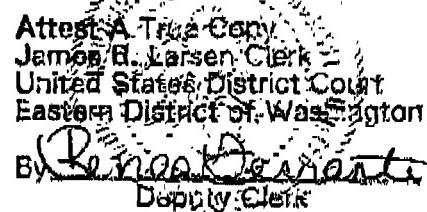
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Attest: A True Copy  
James H. Larsen, Clerk  
United States District Court  
Eastern District of Washington

  
James H. Larsen  
Deputy Clerk

INDICTMENT - 2

P0112000 440 0001

GRAND JURY

PANEL 07-1S

**CR-07-174-WFN-2**

December 4, 2007

SPOKANE, WASHINGTON

**MARIO ORTIZ**

BOND *cash* Seeks  
AUSA Seeks  
Detention *det.*

SSAN: None (Mexican Citizen)

DOB: 2/5/1966

21 U.S.C. § 841(a)(1)  
Manufacture 1000 or More Marijuana  
Plants (Count 1)

21 U.S.C. § 846  
Conspiracy to Manufacture 1000 or  
More Marijuana Plants (Count 2)

AUSA: Aine Ahmed, AUSA

Agent: Sam Keiser, DEA

Bonding Information: Defendant currently has an arrest warrant outstanding based upon a Criminal Complaint filed November 13, 2007. The United States would seek detention based upon the nature of the pending charges and risk of flight.

Action to Be Taken: ISSUE ARREST WARRANT

County of Offense: Okanogan

Interpreter Services Needed: Spanish

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*MJ-07-348-CI-2*